

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JOHN HILL, Individually and On Behalf of All Others Similarly Situated,	)	<b>Civil Action No. 1:10-cv-07838-PAC</b>
	)	
	)	
Plaintiff,	)	<u><b>CLASS ACTION</b></u>
	)	
vs.	)	
	)	
CHINA-BIOTICS, INC., JINAN SONG, LI CHI	)	
YUEN a/k/a RAYMOND LI, LEWIS FAN, YAN	)	
YIHONG a/k/a EVA YAN, TRAVIS CAI, CHIN JI	)	
WEI, DU WEN MIN, SIMON YICK, ROTH	)	
CAPITAL PARTNERS LLC, and MAXIM	)	
GROUP LLC,	)	
	)	
Defendants.	)	
	)	

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**NOTICE OF MOTION AND MOTION FOR APPROVAL OF DISTRIBUTION OF NET  
SETTLEMENT FUND AND REQUEST FOR ATTORNEYS' FEES<sup>1</sup>**

PLEASE TAKE NOTICE that pursuant to the terms of the parties' Stipulation of Settlement, dated March 31, 2015 ("Stipulation"), Court-appointed Lead Plaintiffs John Hill and Nureddin Nejim, and additional named Plaintiff Frank M. Tworek (collectively, "Plaintiffs"), hereby move this Court for entry of an Order: (i) approving the administrative determinations of Angeion Group ("Angeion" or "Claims Administrator"), the Court-approved claims administrator for the settlement of the above-captioned action ("Settlement"), accepting and rejecting the claims submitted herein; (ii) directing distribution of the Net Settlement Fund, after deduction of the payments requested herein, to Settlement Class Members whose Proof of Claim and Release forms ("Claim Forms") have been accepted; (iii) approving the plan for re-

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<sup>1</sup> Capitalized terms not defined herein shall have the same meanings as given in the Stipulation, or the Declaration of Brian Manigault in Support of Plaintiffs' Motion for Approval of Net Settlement Fund and Request for Attorneys' Fees.

distribution and/or donation of any funds remaining in the Net Settlement Fund following the distribution to Settlement Class Members; (iv) directing payment of \$86,475.69 out of the Net Settlement Fund to Angeion for the balance of its fees and expenses incurred to date, and expected to be incurred in connection with the administration of the Settlement; (v) with regard to the additional payments made by Defendants to the Settlement Fund following the final approval of the Settlement pursuant to Paragraph 2.2 of the Stipulation, direct payment of 28.57% of such additional payments for attorneys' fees, which represents the same percentage that was previously awarded on September 10, 2015 in the Order and Final Judgment of Dismissal with Prejudice (the "Final Order") to Lead Counsel;<sup>2</sup> (vi) authorizing destruction of paper copies of Claim Forms one year after distribution of the Net Settlement Fund, and authorizing destruction of electronic copies of Claim Form records three years after distribution of the Net Settlement Fund; and (vii) for such other and further relief as this Court deems appropriate.

PLEASE TAKE FURTHER NOTICE that this motion is based upon the accompanying brief, the declaration of Brian Manigault filed in support thereof, submitted on behalf of the Claims Administrator, the accompanying exhibits attached therewith, and the Stipulation, as well

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<sup>2</sup> After entry of the Final Order, Lead Counsel conferred with Defendants' counsel regarding additional funds remaining in the Signature Plus Directors' and Officers' Liability and Company Reimbursement Policy for China-Biotics, dated November 20, 2009 (the "Insurance Policy"). As indicated in Paragraph 2.2 of the Stipulation, "[i]n addition to the \$1,400,000 payment, on the Effective Date, China-Biotics shall cause to be paid into the escrow account designated by the Escrow Agent any amount remaining on the Insurance Policy after payment of all defense fees and costs." Pursuant to Paragraph 2.2, on February 1, 2016, China-Biotics paid \$246,853, the balance on the Insurance Policy, after payment of all defense fees and costs. To that end, Plaintiffs seek \$70,525, or 28.57%, in attorneys' fees of the additional funds added to the Settlement Fund, which represents the same percentage for attorneys' fees that was previously awarded by the Court.

as all prior proceedings held in this action, and other such matters and arguments as the Court may consider in the hearing of this Motion.

For the Court's convenience, a proposed class distribution order is submitted with this Motion. Plaintiffs contacted counsel for Defendants and were informed that Defendants take no position on the relief requested. Lead Counsel further respectfully submits that a hearing may be unnecessary, but can be available upon the Court's request.

Dated: May 30, 2017

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 30, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all registered users.

/s/ Curtis V. Trinko  
Curtis V. Trinko